

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:16-cr-0150-TWP-DML
)	
CARTEZ MORRIS,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On November 12, 2019, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 26, 2019. Defendant Morris appeared in person with his appointed counsel Michael Donahoe. The government appeared by Peter Blackett, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Angela Smith.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Morris of his rights and provided him with a copy of the petition. Defendant Morris orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Morris admitted violation numbers 1, 2, and 3. [Docket No. 146.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

- 1 **“You shall not use or possess any controlled substances prohibited by applicable state or federal law.”**

On February 14, 2019, Mr. Morris submitted a urine specimen that yielded positive for cannabinoids. On April 11, 2019, he submitted a diluted urine specimen. On May 7, 2019, he submitted a urine specimen that was positive for cannabinoids. On July 9, 2019, Mr. Morris submitted a urine specimen that was positive for cannabinoids and diluted.

- 2 **“You shall be monitored by Radio Frequency, via a curfew as determined by the probation officer, for a period of four months, and shall abide by all the technology requirements.”**

Mr. Morris' conditions were modified on May 28, 2019, and a home confinement/curfew conditions was imposed as a sanction for continued non-compliance on supervision. He began location monitoring on June 5, 2019, and since that time has incurred nine violation alerts. These violations included leaving when not schedule to leave and failing to return home as scheduled.

- 3 **“If this judgment imposes a fine or restitution, it is a condition of supervised release that he defendant pay in accordance with the Schedule of Payments sheet of this judgment.”**

Mr. Morris has been employed with UPS and Keys to Work since April 2019. His judgment indicates he is to pay 10% of his gross monthly income toward restitution and special assessment. To date, the offender has not made any effort toward paying this outstanding balance. He also has not made a payment toward his outstanding location monitoring fees.

4. The parties stipulated that:

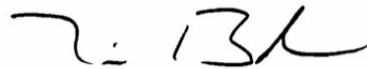
- (a) The highest grade of violation is a Grade C violation.
- (b) Defendant’s criminal history category is I.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 3 to 9 months’ imprisonment.

5. The parties jointly recommended a sentence of eight (8) months with no supervised release to follow. Defendant requested placement at FCI Terre Haute.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FCD Terre Haute, lowest security level allowed.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 11/20/2019

A handwritten signature in black ink, appearing to read "T. Baker", written over a horizontal line.

Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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